

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 404 - HB 862

March 12, 2011

SUMMARY OF BILL: Creates a Class C felony offense for a person to knowingly and unlawfully manufacture, attempt to manufacture, or initiate the process of manufacturing methamphetamine in a residence where a child younger than 14 years of age is found or within 200 feet of such residence. Imposes a mandatory minimum six-year sentence to run consecutively to any other sentence and subjects the defendant to a fine of not less than \$2,000 nor more than \$100,000.

ESTIMATED FISCAL IMPACT:

Increase State Revenue – Not Significant

Increase State Expenditures - \$52,508,600/Incarceration*

Assumptions:

- According to the Department of Children's Services (DCS), there has been an average of 386 cases in each of the past two years where a child, less than 13 years of age, was present during the manufacture of methamphetamine. According to DCS, revising the age group to less than 14 will have a minimal impact on the number of children taken into state custody.
- The Department of Correction (DOC) estimates an additional 30 admissions as a result of broadening the age group.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will result in an additional 49 offenders in the tenth year. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 465 offenders serving a mandatory minimum six year sentence.
- According to DOC, the average operating cost per offender per day for calendar year 2011 is \$60.62. Eighty-five percent of the mandatory minimum six-year sentence to be served consecutively to any other sentence is 5.1 years (1,862.78 days) at a cost of \$112,921.72 (\$60.62 x 1,862.78 days). The total additional cost for 465 offenders is \$52,508,599.80 (\$112,921.72 x 465 offenders).
- According to the District Attorneys General Conference, methamphetamine cases are currently being prosecuted and any increase in the caseload for the Conference can be accommodated within existing resources without an increased appropriation.

- Based on the Fiscal Review Committee's 2008 study of incarceration costs and fines, collection of fines for felony offenses is negligible. There will not be a significant increase in revenue as a result of the mandatory minimum fines for these offenses.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/lsc